

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

1/10/06 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CV NO. 01-00555MEA-KAC AND CV NO. 02-00223MEA-KSC

(CONSOLIDATED CASES)

CASE NAME: Matthew Harell Vs. City and County of Honolulu, et al.

ATTYS FOR PLA: Andre Wooten

ATTYS FOR DEFT: Moana Yost  
Derek T. Mayeshiro  
Jane Kwan

INTERPRETER:

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JUDGE: Marvin E. Aspen

REPORTER: Sharon Ross

DATE: 1/10/06

TIME: 8:58am-11:43am  
12:55pm-4:03pm

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COURT ACTION: EP: Further Jury Trial (4<sup>th</sup> Day)-Plaintiff present, Defendants-Aaron Mahi, Robert Larm, Sanford Masada and Wayne Oshima-Rep. Of the Royal Hawaiian Band present and Seven (7) Jurors are also present.

8:58am-9:06am.- Conference without the Jurors present.

9:10am-10:31am-Further Jury Trial-Plaintiff Witness-Paul Barrett-Resumed Witness Stand.

10:49am-11:43am-Conference without the Jurors present-Regarding Jury Instructions.

12:55pm-1:01pm-Conference without the Jurors present-Regarding Deft's Objections to the playing of the Plaintiff's Audition Tape-Denied.

1:05 pm-2:35pm-Further Jury Trial-Audition Tapes Played as to Ryan Howe, Matthew Harrell and Christopher Ventura. Plaintiff Witness-Paul Barrett-Resumed Witness Stand.

Plaintiff Rested.

2:42pm-2:49pm-Defendants' Oral Motion for Judgment as a Matter of Law-The Court deferred ruling until after the close of the Case. Plaintiff's Motion for Mistrial filed on 1/6/2006-is Denied.

2:50 pm-4:03pm-Defendants' Witnesses-Wayne Oshima-Recalled as a Witness, Robert Larm-Recalled as a Witness, Sanford Masada-Recalled as a Witness and Aaron Mahi, Sr.-Recalled as a Witness.

Further Jury Trial (5<sup>th</sup> Day) continued to 1/11/2006 @9:00 a.m.

Submitted by Leslie L. Sai, Courtroom Manager